

**From:** Szaro, Deb [Szaro.Deb@epa.gov]  
**Sent:** 4/19/2018 1:38:15 PM  
**To:** Melanson, Kate [Melanson.Kate@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Gutro, Doug [Gutro.Doug@epa.gov]  
**Subject:** RE: Draft for incoming DA

This looks good. Some edits below in red. Need to fix the line spacing before sending.

## **Overview of Region 1**

Region 1 includes the states of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island and Vermont and ten tribes with more than 14,000 members. While New England's six states are geographically small, they are heavily populated, with 14.7 million people. Much of this population is concentrated in urban and coastal communities, but we also have less populated rural areas, mostly in northern New England. Our cleanup programs play a significant role in the economic recovery of many New England communities. The Region has 123 Superfund sites in the region and over half of them have been redeveloped. EPA Region 1 is a region that emphasizes innovation in developing tools and strategies that deliver strong environmental results for New England.

Regional Administrator Alexandra Dunn, prior to EPA, served as executive director and general counsel for the Environmental Council of States (ECOS), a national nonprofit, nonpartisan organization committed to helping state agencies improve environmental outcomes for all Americans. Since 2014, Ms. Dunn has helped state governments improve water infrastructure, air pollution control, site cleanup, chemical management, and economic development. Prior to joining ECOS, Ms. Dunn served as executive director and general counsel for the Association of Clean Water Administrators. Regional Administrator Dunn and her leadership team have focused on working with our state and local partners to continue to improve and protect the environment in New England.

## Issues

### PFAS in New England

- Since 2016, Region 1 states have been addressing widespread PFAS contamination.
- PFAS have been detected at a number of National Priorities List (NPL) sites in the Region, including a few DOD sites. Ongoing work includes pre-remedial work focused on a number of potential PFAS sources. In addition, PFAS sampling is being performed at several National Priorities List (NPL) sites. Pursuant to current Office of Land and Emergency Management (OLEM) policy, the Region has consulted with HQ prior to each sampling effort at these NPL sites.
- Region 1 has provided significant sampling, lab analysis and technical support to NH and VT
- The Region also continues to provide technical assistance, including sample collection, analytical support, etc. to states on an as needed basis. In late 2017, the Region formed an EPA/New England States' PFAS Working Group to share information and prioritize resource requests/needs. The Region has also been actively involved in the EPA Cross-Agency Coordinating Committee.

### NPDES Delegation in NH

- In February 2018, the Governor and EPA Administrator identified a joint priority for NH to assume authorization of the NPDES program. On March 15, 2018, the NH Senate unanimously approved Senate Bill 450. The bill authorizes the state to spend \$500,000 to establish "an advisory commission to study the delegation of authority from the NPDES program." The bill sets forth the composition of the commission, including: one member of a nuclear facility, two members of the Business and Industry Association, the NH Rivers Council, NH Lakes Association, NH Municipal Association, Granite State Hydropower Association, NH Association of Realtors, Associated

General Contractors of NH, NH Water Pollution Control Association, one member representing affected public utilities and a regional planning commission. EPA Team met with NH DES and Governor's office in late March to develop an Action Plan.

### MS4 Permitting in NH and MA

- Contaminated stormwater is the leading cause of water quality problems in New England, creating serious local economic problems due to beach and shellfish bed closures.
- Municipal stormwater (“MS4”) permits are the primary driver to improve stormwater quality in New England and Region 1 is the NPDES authority in MA and NH, working closely with our states.
- The MS4 permits will yield significant environmental improvements, but also include lengthy compliance schedules and a great deal of flexibility for local decision-making. Region 1 engaged impacted communities and made numerous changes to add flexibility in response to comments.
- EPA issued the MA MS4 permit in 2016 and the NH permit in 2017. Both are under appeal, and we have entered mediation sponsored by the D.C. Circuit. In 2017, EPA agreed to postpone the effective date of the Massachusetts permit to align its timing with the NH permit. Both are now scheduled to take effect in July. In the beginning of 2018, a coalition of NH communities asked EPA to postpone the effective date of that permit, and Region 1 is working with the Office of Water and the Office of General Counsel to evaluate that request.

### GE Superfund Site Mediation

- General Electric’s Pittsfield, Massachusetts facility used PCBs for 45 years, leading to contamination through much of Pittsfield, and the Housatonic River. In 2000, EPA, GE, Massachusetts, Connecticut and Pittsfield, entered into a federal court Consent Decree to address the PCB risks. Of the 28 cleanup areas in the Decree, all cleanups are complete except for the “Rest of River” area that flows from Pittsfield to Long Island Sound in CT.
- EPA, in 2016, issued its Rest of River cleanup plan in a RCRA corrective action permit modification that is supported by both States.

- The cleanup, valued at \$613 million, includes a combination of excavation, containment of PCBs, and monitored natural recovery. GE, two environmental groups, a local homeowner, and a group of 5 municipalities bordering the River all challenged different aspects of the decision before EPA's Environmental Appeals Board.
- The Environmental Appeals Board recently ruled in favor of EPA's cleanup of PCBs in the Housatonic River, but the EAB remanded for further development the Region's PCB disposal decision. In response, the Region is gathering the information needed to support the disposal decision, and engaging GE, other challengers to the cleanup, Massachusetts, and Connecticut in mediated discussions on potential options that could speed up cleanup and be acceptable to all stakeholders.

Two sites on the Administrator's Special Emphasis List:

- The cleanup of the **Centredale Manor** Superfund Site, with a cost of \$100 million, has been delayed for several years due to ongoing litigation. EPA, the State of Rhode Island, and Emhart/Black & Decker are engaged in mediation. After years of litigation and failed attempts at resolution, the parties have now made incredible progress and are close to settlement.

## **Deliberative Process / Ex. 5**

### **Regional/state meetings.**

- May 17 in Providence - Northeast Committee on the Environment (NECOE)
- June 12 in New Hampshire – NHDES/EPA Leadership meeting
- August in Vermont - Northeast Committee on the Environment (NECOE)
- Sept 19 in Maine – MaineDEP/EPA Leadership meeting

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**From:** Melanson, Kate  
**Sent:** Thursday, April 19, 2018 9:18 AM  
**To:** Dunn, Alexandra <dunn.alexandra@epa.gov>; Szaro, Deb <Szaro.Deb@epa.gov>; Gutro, Doug <Gutro.Doug@epa.gov>  
**Subject:** Fwd: Draft for incoming DA

Hello!

See the below write up for the incoming DA

Let me know if you have any comments.

Thanks!

Sent from my iPhone

On Apr 18, 2018, at 9:05 PM, Melanson, Kate <[Melanson.Kate@epa.gov](mailto:Melanson.Kate@epa.gov)>

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### NPDES Delegation in NH

- In February 2018, the Governor and EPA Administrator discussed and endorsed NH obtaining authorization to issue NPDES permits and implement the NPDES permitting program. On March 15, 2018, the NH Senate unanimously approved Senate Bill 450. The bill authorizes the state to spend \$500,000 to establish "an advisory commission to study the delegation of authority from the NPDES program. The bill sets forth who is to be on the commission, including: one member of a nuclear facility, two members of the Business and Industry Association, the NH Rivers Council, NH Lakes Association, NH Municipal Association, Granite State Hydropower Association, NH Association of Realtors, Associated General Contractors of NH, NH Water Pollution Control Association, one member representing affected public utilities and a regional planning commission. EPA Team met with NH DES and Governor's office in late March to develop an Action Plan.

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